

REMARKS

This is a response to the Final Office Action dated June 5, 2008. Claims 92-97, 100-106, 109-115 and 118-124 are pending in the application.

In the Office Action, claims 92-94, 96 and 100 are rejected on the ground of non-statutory double patenting over claims 1, 27, 43, 57, 59-61, 75, 80 and 82 of U.S. Patent No. 6,961,641 ("Forth") in view of U.S. Patent Application No. 2004/0203868 ("Eidson").

Claims 118 and 119 are rejected on the ground of non-statutory double patenting over claims 1, 2 and 6 of U.S. Patent No. 6,990,395 ("Ransom '395") in view of Eidson.

Claims 118, 120 and 124 are rejected on the ground of non-statutory double patenting over claims 1, 4, 10, 12 and 15 of U.S. Patent No. 7,248,978 ("Ransom '978") in view of Eidson.

Claims 118 and 122 are provisionally rejected on the ground of non-statutory double patenting over claims 14-17 of co-pending U.S. Application Serial No. 11/497,218 in view of Eidson.

Claims 118 and 119 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,954,814 ("Leach") in view of Eidson.

Claims 92-94, 101-103, 110-112 and 118-120 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,027,773 ("McMillin") in view of Eidson.

Claims 95-100, 104-109, 113-117, and 121-124 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McMillin in view of Eidson

The rejections from the Final Office Action dated June 5, 2008 are discussed below. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

I. All Claim Rejections - Applicants Defeat Eidson's Priority Date; therefore, Eidson is not Prior Art

In the Final Office Action, all of pending claims 92-97, 100-106, 109-115 and 118-124 have been rejected based on a first reference (i.e., one of applicants' own references, Leach, or McMillin) in view of Eidson. As will be explained below, applicants' priority date defeats Eidson's earliest priority date for all of the pending claims. Accordingly, the Examiner's rejections to all of the pending claims are overcome for at least these reasons.

Applicants previously noted during prosecution that the present application is a continuation of U.S. Application Serial No. 10/340,374 filed January 9, 2003 (Attorney Docket No. 6270/84), which is a continuation-in-part of U.S. Application Serial No. 09/896,570 filed June 29, 2001 (Attorney Docket No. 6270/64), now U.S. Patent No. 6,944,555 ("the '555 patent"), and a continuation-in-part of U.S. Application Serial No. 09/814,436 filed March 22, 2001 (Attorney Docket No. 6270/60), now U.S. Patent No. 6,751,562 ("the '562 patent").

Eidson has a U.S. filing date of August 14, 2002, which is its earliest effective priority date. The '555 patent was filed on June 29, 2001, while the '562 patent was filed on March 22, 2001. While both the '555 patent and the '562 patent may have even earlier priority dates, their U.S. filing dates alone defeat Eidson's earliest priority date.

Both the '555 patent and the '562 patent fully disclose and support the subject matter of claims 92-97, 100-106, 109-115 and 118-124 of the present application. Therefore, claims 92-97, 100-106, 109-115 and 118-124 properly receive the benefit of the priority date of at least March 22, 2001.

As mentioned above, Eidson's earliest effective priority date is August 14, 2002. Accordingly, applicants have priority over Eidson and thus Eidson is not prior art. Applicants therefore respectfully submit that claims 92-97, 100-106, 109-115 and 118-124 are in condition for allowance.

CONCLUSION

Each of the rejections in the Final Office Action dated June 5, 2008 has been addressed and no new matter has been added. Applicants submit that all of the pending claims 92-97, 100-106, 109-115 and 118-124 are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to contact the undersigned attorney if such communication would expedite the prosecution of this application.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Douglas A. Oguss', is written over a horizontal line.

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